

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE GIANIS,

Defendant.

CASE NO. CR04-334-JCC

DETENTION ORDER

Offense charged:

Count I: Conspiracy - Possession of Ephedrine with the Intent to Distribute, in violation of Title 21, U.S.C., Section 841(c) and 846.

Date of Detention Hearing: February 6, 2008

The Court, having conducted an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Vincent Lombardi. The defendant was represented by John Henry Brown.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) There is probable cause to believe the defendant committed the drug offenses of conspiracy - possession of ephedrine. The maximum penalty is in excess of ten years. There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).

(2) The defendant is viewed as a risk of nonappearance as he is not a United States citizen who and there is an immigration detainer filed against him.

(3) He is viewed as a risk of danger due to his current criminal history involving a firearm in Canada, and the nature of the current alleged offense.

(4) The defendant stipulates to detention at this time.

Based upon the foregoing information , which is also consistent with the recommendation of detention by U.S. Pretrial Services, it appears that there is no condition or combination of conditions that would reasonably assure future Court appearances and/or the safety of other persons or the community.

It is therefore ORDERED:

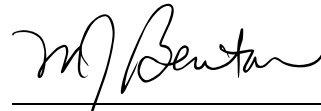
(1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 6th day of February, 2008.



MONICA J. BENTON
United States Magistrate Judge